



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOV 19 2018

JoAnne DeVries

Sarasota, FL 34236

RE: MUR 7381

Dear Ms. DeVries:

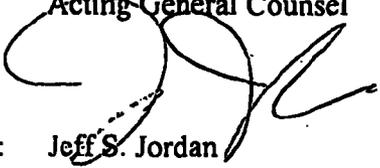
The Federal Election Commission reviewed the allegations in your complaint received on May 9, 2018. On November 15, 2018, based upon the information provided in the complaint, and information provided by the respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to Rick Scott, and Rick Scott for Florida and Salvatore Purpura in his official capacity as treasurer, and close its file in this matter. Accordingly, the Commission closed its file in this matter on November 15, 2018. A copy of the General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: 
Jeff S. Jordan
Assistant General Counsel

Enclosure
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7381

Respondents: Rick Scott for Florida
and Salvatore Purpura,
as Treasurer (the "Committee")
Rick Scott¹

Complaint Receipt Date: May 9, 2018

Response Date: July 2, 2018

**Alleged Statutory/
Regulatory Violations:**

**52 U.S.C. §§ 30102(e)(1); 30104(a)(1), (a)(2)(A)(iii)
11 C.F.R. §§ 101.1(a); 102.1(a); 104.1(a); 104.3(a)**

The Complaint alleges that the Committee failed to file a 2018 April Quarterly Report.

Specifically, the Complaint alleges that Scott became a candidate on or soon after March 29, 2018, the date of a fundraising email seeking contributions to Scott's Senate campaign, and, therefore, the Committee was required to file a 2018 April Quarterly Report.²

Respondents state that Scott became a candidate on March 26, 2018, and timely declared his candidacy on April 9, 2018.³ Respondents contend that because the Committee did not file its Statement of Organization until after April 1, 2018, its first quarterly report was not due until July 15, 2018 — the first quarterly reporting deadline following the Committee's registration as Scott's principal campaign committee.⁴

¹ Scott is a 2018 candidate for United States Senate in Florida. Scott is currently the Governor of Florida.

² The Complaint surmises that the Committee raised more than \$5,000 before the end of March 2018 and, consequently, was required to file an April Quarterly Report. The Complaint attaches a fundraising email dated March 29, 2018, requesting contributions to Scott's Senate campaign in amounts of \$5,400 from individuals and \$10,800 from couples, and containing the disclaimer "Paid for by Rick Scott for Florida." The \$5,400 figure equals the current individual contribution limit for a primary election and a general election.

³ The Committee's 2018 July Quarterly Report does not reflect contributions or expenditures exceeding \$5,000 as of March 26, 2018. Scott filed a Statement of Candidacy on April 9, 2018, designating the Committee as his principal campaign committee. The Committee mailed a Statement of Organization on April 10, 2018, which the Secretary of the Senate received on April 19, 2018. Thus, it appears that Scott and the Committee filed their registration forms early.

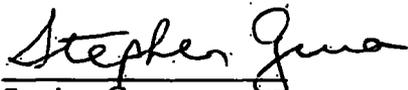
⁴ The Committee filed a July Quarterly Report on July 12, 2018. According to that report, the Committee received its first contributions on April 4, 2018, when it received \$16,200 in individual contributions. The July

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating, and the Committee's subsequent filings,⁵ we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

Kathleen M. Guith
Associate General Counsel

11.5.18
Date

BY: 
Stephen Gura
Deputy Associate General Counsel

Quarterly Report indicates that the Committee exceeded \$5,000 in post-testing-the-waters expenditures on April 8, 2018.

⁵ Respondents indicated that Scott engaged in testing-the-waters activity before April 1, 2018, and stated that any financial activity before then would be included in the Committee's first regular report. In that first report, the Committee reported \$166,573.26 in testing-the-waters activity between January 1, 2018, and March 31, 2018. The Complaint does not make any allegations concerning Scott's testing-the-waters activity, and we do not address them here.

